

Di-az et al v. Tesla, Inc. et al
U.S. District Court for the Northern District of California
Case No. 17-cv-06748-WHO

EXHIBIT 11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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DEMETRIC DI-AZ, OWEN DIAZ,
and LAMAR PATTERSON,

Plaintiffs,

vs.

No. 3:17-cv-06748-WHO

TESLA, INC., dba TESLA
MOTORS, INC.; CITISTAFF
SOLUTIONS, INC.; WEST VALLEY
STAFFING GROUP; CHARTWELL
STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

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DEPOSITION OF VICTOR QUINTERO

June 7, 2018

Reported by:

Bridget M. Mattos, CSR No. 11410

1 Q. You at least had thoughts on what to do based
2 on the information you'd received; right?

3 A. Yeah, I always have thoughts on things based
4 on the data I have at the time.

5 Q. And so -- and that's what I want to try and
6 get at.

7 What was the information that you had at the
8 time? You had the picture and had -- was there any
9 kind of investigation that was done into the incident?

10 MS. ANTONUCCI: Objection; vague.

11 MR. ORGAN: Q. That you're aware of.

12 A. I don't remember exactly, but I do remember
13 that we talked about it. I remember that he
14 apologized, apparently.

15 Q. Who apologized?

16 A. Ramon.

17 Q. Apologized to who?

18 A. I think it's on here, isn't it?

19 Q. Oh, in the statement. Okay.

20 A. It says, "Ramon Martinez said that he drew
21 the picture, and he was just playing. As a supervisor
22 and leader" -- (inaudible.)

23 Q. It's where you said he said he drew the
24 picture, and he was just playing, that's what you
25 mean?

1 contractors would engage in this kind of disturbing
2 conduct; correct?

3 MS. ANTONUCCI: Objection; vague.

4 THE WITNESS: I was, you know, not happy
5 about the fact that Owen felt offended; that somehow
6 he felt offended by this, and therefore, you know, my
7 job to try to take action to make sure it doesn't
8 happen again. Like with any other employee who may
9 feel offended about something. That has no purpose of
10 being work-related.

11 MR. ORGAN: Let me make this 39.

12 (Whereupon Deposition Exhibit 39
13 was marked for identification.)

14 MR. ORGAN: Exhibit 39, for the record, is a
15 four-page document, I think -- five-page document,
16 Bates-stamped Tesla 25 through 29.

17 Q. And it's the -- Exhibit 37, and then an email
18 from Wayne Jackson to you, which says that "We need to
19 talk as soon as possible."

20 So I think that was before -- that's at 9:20
21 on January 22nd. And then if you look at the first
22 email at the top, which is going to get to my point,
23 there's an email to you from Wayne Jackson at
24 6:20 p.m.

25 So it appears that sometime between 9:20 a.m.

1 and 6:20 p.m., you had the meeting with Wayne Jackson
2 about this racist image; correct?

3 MS. ANTONUCCI: Objection; vague.

4 THE WITNESS: No, I don't remember the exact
5 time and date.

6 MS. ANTONUCCI: Calls for a legal conclusion.

7 MR. ORGAN: Q. Do you have any reason to
8 question the dates and times in this email, Exhibit
9 39?

10 A. Like I said, I don't remember the exact dates
11 and times. I mean, that's -- it was around this time.

12 Q. Well, I'm asking you -- this is a document
13 produced by Tesla, as you can see from the Bates stamp
14 below in the lower right corner. That's a Tesla
15 document that was produced to us in discovery, and I'm
16 wondering, do you have any reason to doubt the
17 authenticity of this document?

18 A. No.

19 Q. So in terms of the email that is at the top
20 of Exhibit 39, that's an email you sent to Wayne
21 Jackson about the racist effigy and drawing,
22 approximately 6:20 p.m. on January 22nd, 2016;
23 correct?

24 A. Yes.

25 Q. And this talks about -- this is an email

1 State of California)

2 County of Marin)

3

4 I, Bridget M. Mattos, hereby certify
5 that the witness in the foregoing deposition was by me
6 duly sworn to testify to the truth, the whole truth
7 and nothing but the truth in the within entitled
8 cause; that said deposition was taken at the time and
9 place herein named; that the deposition is a true
10 record of the witness's testimony as reported to the
11 best of my ability by me, a duly certified shorthand
12 reporter and disinterested person, and was thereafter
13 transcribed under my direction into typewriting by
14 computer; that the witness was given an opportunity to
15 read, correct and sign the deposition.

16 I further certify that I am not
17 interested in the outcome of said action nor connected
18 with or related to any of the parties in said action
19 nor to their respective counsel.

20 IN WITNESS WHEREOF, I have hereunder
21 subscribed my hand on June 7, 2018.

22

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BRIDGET M. MATTOS, CSR NO. 11410

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